

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

United States of America,)	
)	
vs.)	No. 04-3057-05-CR-W-FJG
Mark Walker,)	
)	
	Defendant.	

ORDER

Defendant's motion for reconsideration of sentencing (Doc. #185, filed August 18, 2005) is denied. While defendant's sentence may be inequitable given that received by his co-defendants, the circumstances surrounding their sentences and his were different. Plaintiff's counsel has described those differences in the government's response in opposition to defendant Mark Walker's motion for reconsideration of sentencing (Doc. #198, filed August 31, 2005) and they will not be repeated here. Additionally, defendant does not provide legal authority which would support the request made. Defendant relies upon these provisions of 18 U.S.C. sec. 3553 which the Court had considered at defendant's sentencing. Federal Rules of Criminal Procedure 35 would not seem to apply here. The issue raised by defendant seems to be a collateral attack on the sentence, and therefore, not properly before the Court.

/s/Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 13, 2005
Kansas City, Missouri